

ZONING BOARD OF ADJUSTMENT STAFF REPORT

October 25, 2021

ZBA-109-21

GENERAL INFORMATION

Property Owner (x) Petitioner (x)

John P. Tiley

Requested Action and Purpose

Petition for a variance from the residential setback regulations in order to construct a small addition in the rear yard

Location and Existing Zoning

431 Fort Sumter Circle. Zoned R-1. (Council District 3)

Size and Existing Land Use

Approximately 0.27 acres, Single-family residence

Surrounding Land Use and Zoning

North: Single-family residence, R-1

East: Single-family residence, R-1

South: Single-family residence, R-1

West: Single-family residence, R-1

Applicable Regulations

Sec. 24-35. - Yards and usable open space.

(b) Side Yards. For every building in a residence district, other than an RMH Mobilehome District, side yards of the following minimum widths (in feet) shall be provided: 10 feet

(c) Rear yards. For every principal building in a residence district, other than an RMH Mobilehome District, rear yards of the following minimum depths shall be provided: 35 feet

SUMMARY

The petitioner is requesting the variance in order to expand their existing bathroom in the rear of the home. The petitioner's wife is permanently in a wheelchair and needs a "roll-in shower." The proposal will consist of a 3' x 6' (18sf) addition. The addition is proposed to be in line with the side of the house, approximately 9' from the property line, and 24' from the rear property line. The home was constructed in mid-1980s and built over the setback lines at that time. The lot is an unusual shape in that it narrows significantly to the rear. It has approximately 132' of street frontage, but is only 63' wide at the rear.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

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Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, July 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 431 Fort Sumter Circle Tuscaloosa, AL, 35406

Property Owner

Name: John P. Tiley Phone: 205-457-4267 Email: John.Tiley@ATT.net

Address: 431 Fort Sumter Circle Tuscaloosa, AL ZIP Code: 35406

Petitioner (if different from owner)

Name: Phone: Email:

Address: ZIP Code:

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- Special Exception, Use Variance, Variance, Short-Term Rental, Appeal Zoning Officer's ruling

Briefly describe the variance, special exception, and/or appeal being requested. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

Variance - need to expand Bathroom to install roll in shower - we need 30" inches of space!

PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development: Planning Division 2201 University Boulevard, Annex III Tuscaloosa, AL 35401 Email: zba@tuscaloosa.com

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

I am permanently in a wheelchair. The bathroom has a tub/shower which I am unable to get into. I need a roll-in shower but there is not room unless we have additional space.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The addition would be at the back of the house and would be within a fence which ~~is~~ separates our yard from the house behind and the one adjacent. It would be unseen from street.

Answer the following for SHORT-TERM RENTAL requests ONLY:

Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and length of your driveway. A typical parking space is 9' wide by 20' deep. Tandem parking (one vehicle behind the other) of not more than two vehicles is allowed, and a garage can be used. Photos can be provided with this application showing the proposed parking.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception from fence requirements must depict proposed location and design of fence.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

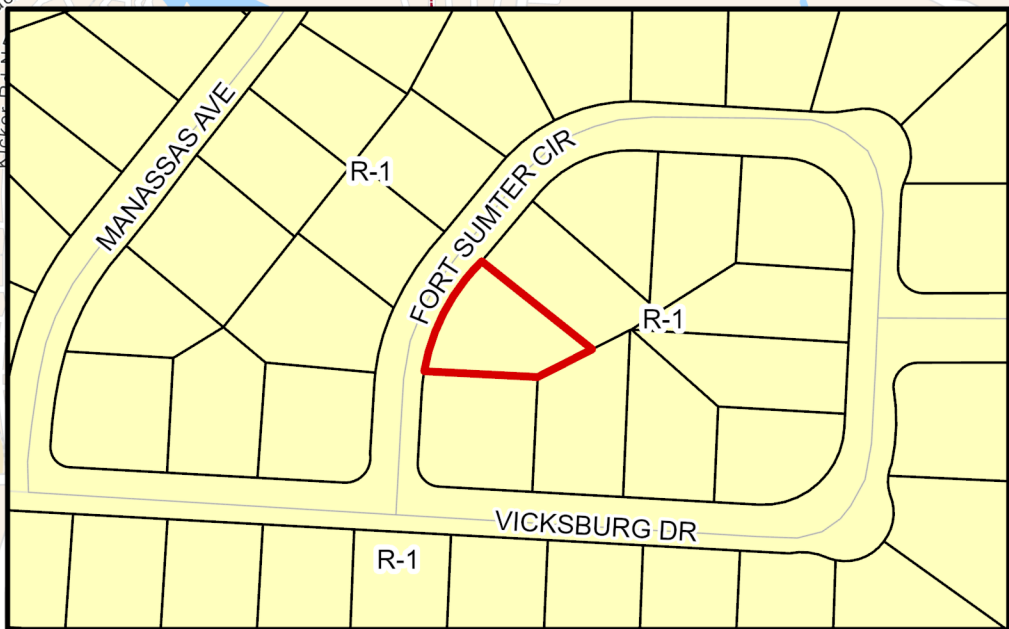
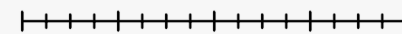
Print Name: John Phillip Tiley Signature: John Phillip Tiley Date: 9/16/2021
Kathryn S. Tiley Kathryn S. Tiley 9/16/2021



431 Fort Sumter Circle

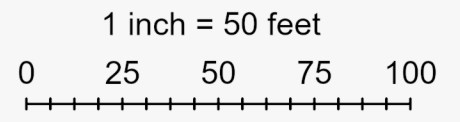
1 inch = 50 feet

0 25 50 75 100





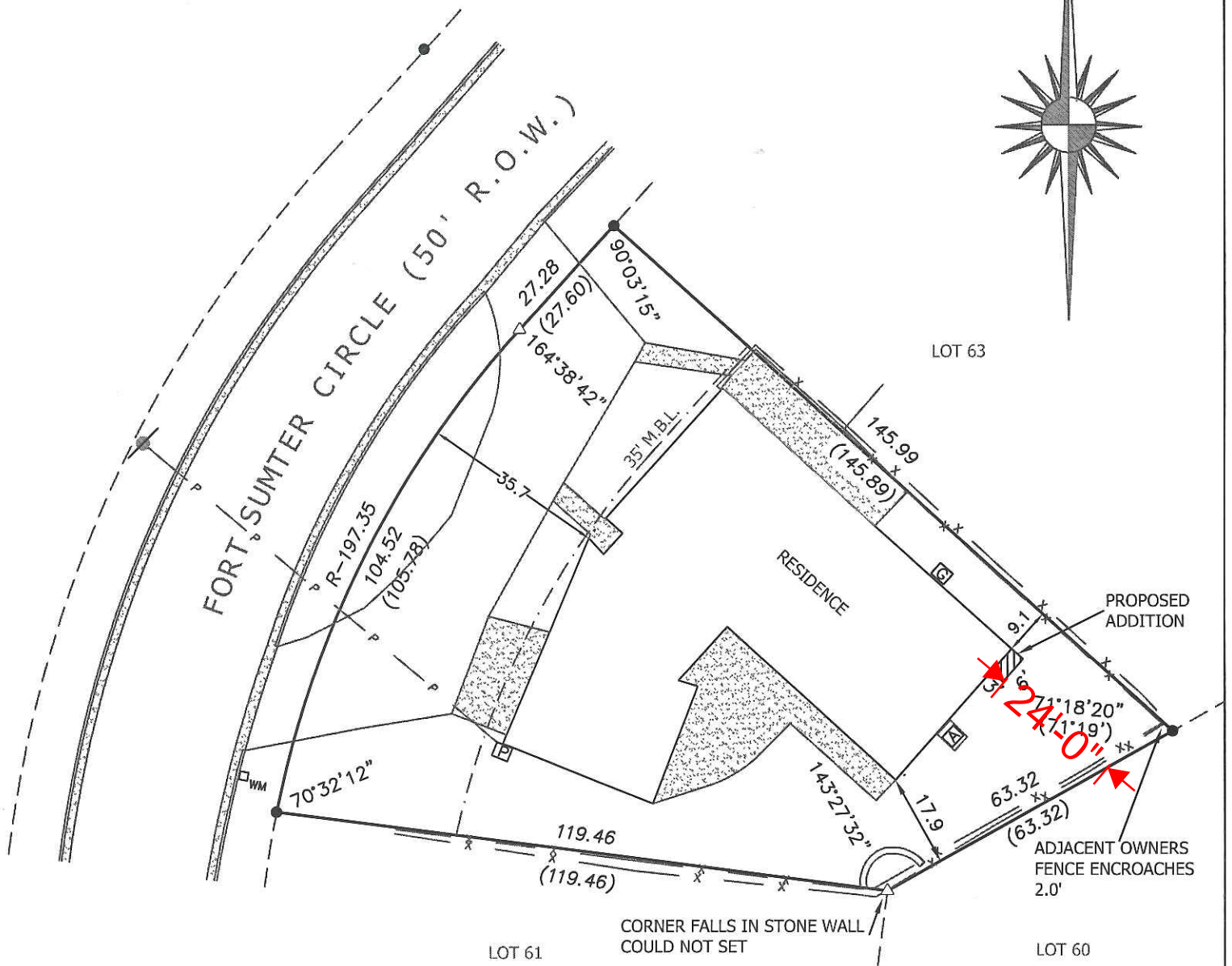
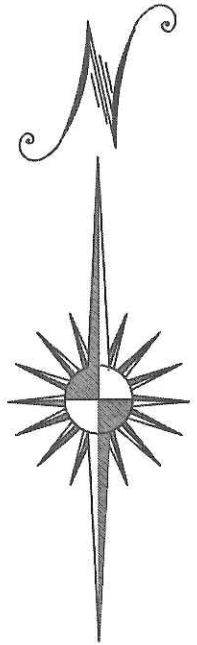
431 Fort Sumter Circle



N



A SURVEY OF LOT 62 ACADEMY DRIVE NO. 5
 RECORDED IN PLAT BOOK 16 PAGE 82
 TUSCALOOSA COUNTY, ALABAMA



ALL ANGLES AND DISTANCES ARE
 TO THEIR RESPECTIVE CHORDS

STATE OF ALABAMA
 TUSCALOOSA COUNTY

I, David R. Herndon, a Professional Land Surveyor for the firm of Herndon, Hicks and Associates, Inc., do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the 22 day of Jan, 2021.

David R. Herndon, P.L.S.
 Alabama License No. 14105

LEGEND

- IRON FOUND
- △ CALCULATED POINT—NOT MONUMENTED
- () RECORD DIMENSION
- R.O.W. RIGHT-OF-WAY
- X— FENCE LINE
- M.B.L. MINIMUM BUILDING LINE
- ⊙ UTILITY POLE
- P— POWER LINE
- WM WATER METER
- ▨ CONCRETE SURFACE
- ⊠ HVAC UNIT
- ⊞ POWER METER
- ⊞ GAS METER

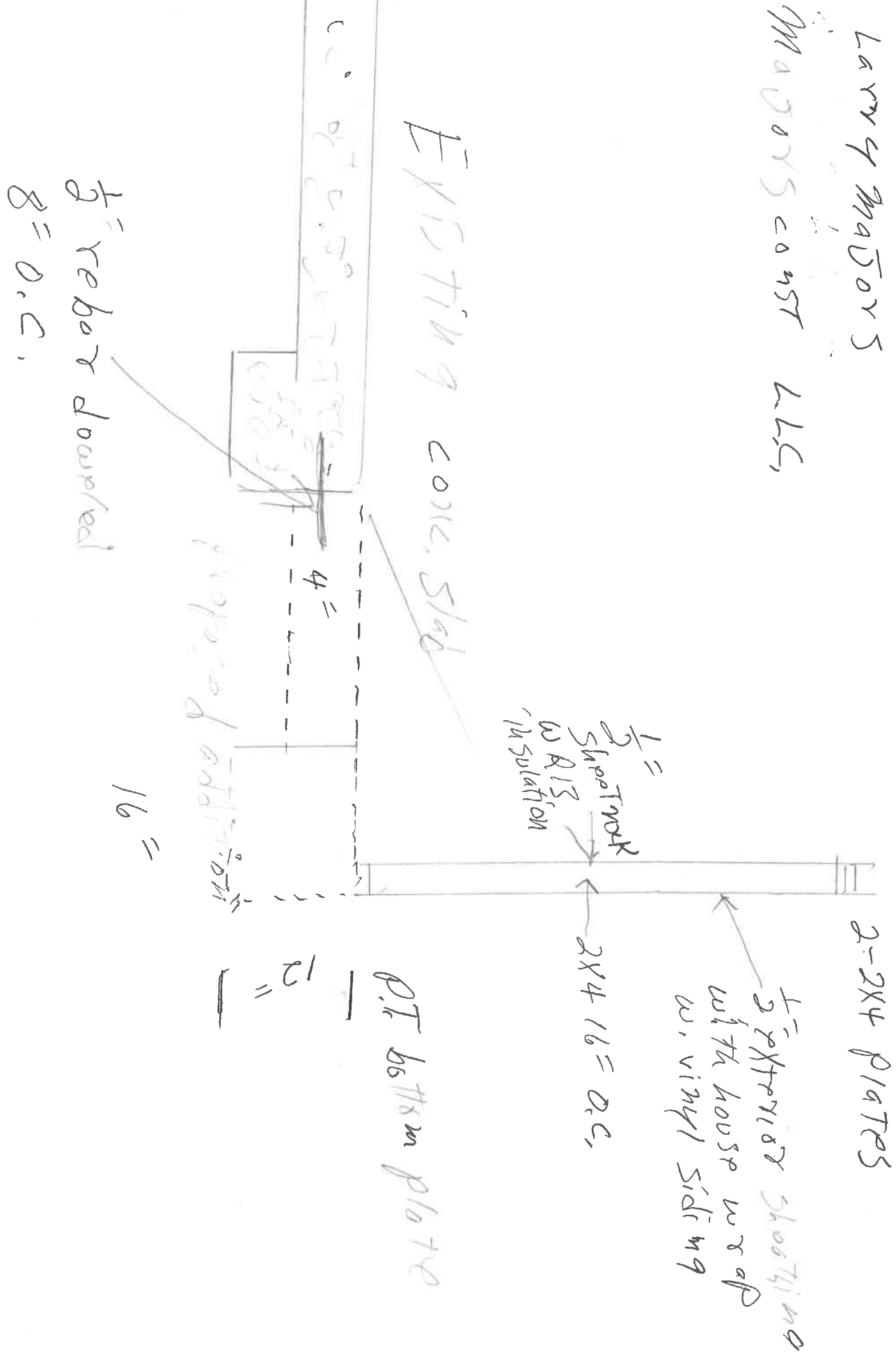


HERNDON, HICKS & ASSOCIATES, INC.
Professional Land Surveyors

2728 Lurleen Wallace Blvd. (P.O. Box 508) - Northport, AL 35476
 Phone (205) 333-0003 - Fax (205) 333-0178
 mike@hhasurveyors.com

Drawn By JCP	Field Work 9/29/21
Scale 1"=30'	Surveyed By JT
Date 9/30/21	Appd. By DRH
Survey Type TITLE	Source of Information PLAT
Job No. 2109-022	Drawing No. 2109-022

LARRY MAJORS
MAJORS CONSULT LLC



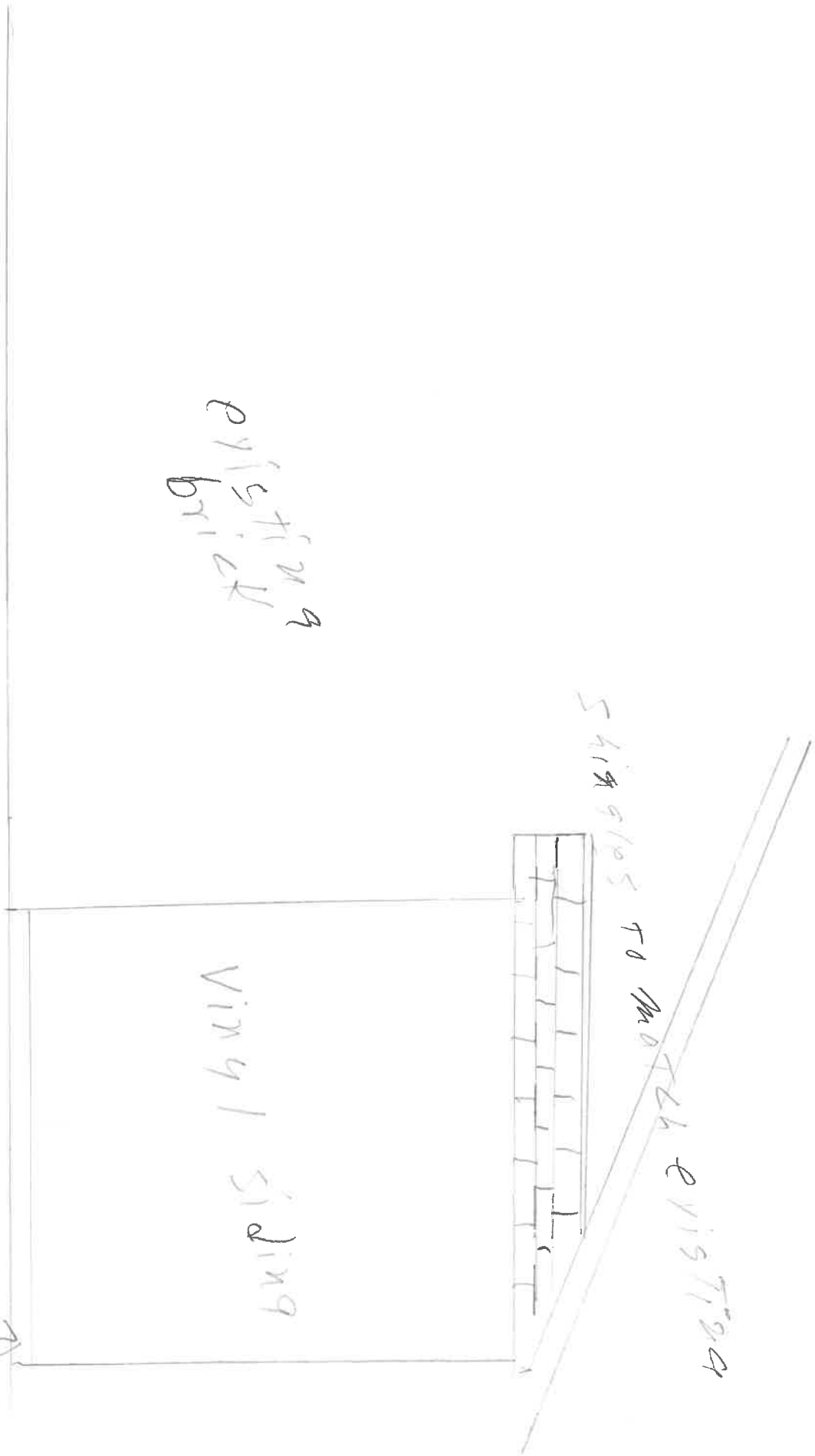
Larry Masons
Masons Const. L.L.C.

Pyritic
brick

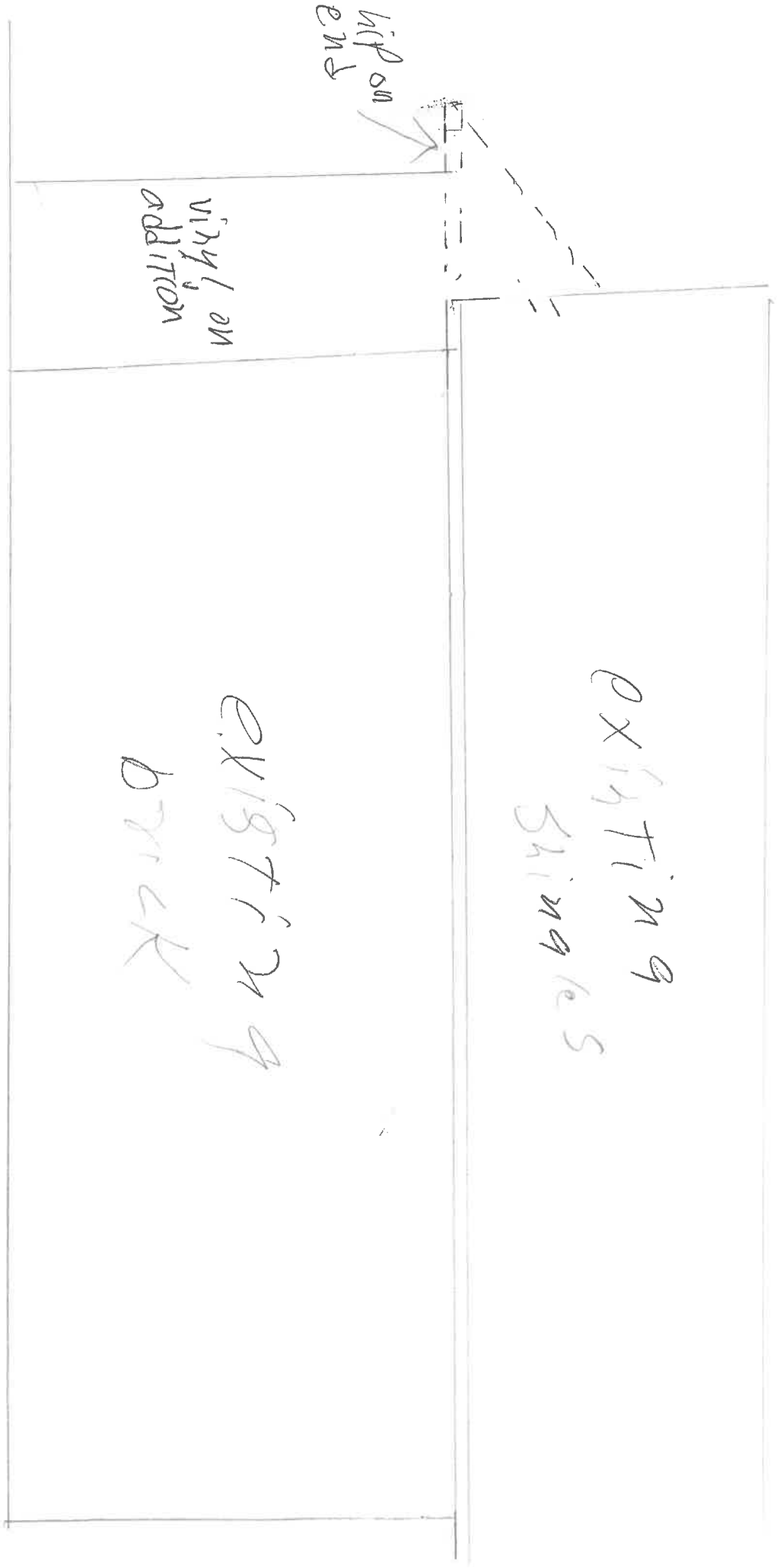
Shingles to match existing

Vinyl siding

Dorock + Stucco 12" off
of water proofed
1000. 72 =



LARRY MASTERS
MASTERS CONST. LLC



EXISTING
SHIMERS

EXISTING
BRICK

APP 3



431

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